

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 95-13  
(June 20, 1995)

**Attendance at Receptions Sponsored by Private  
Association of Attorneys**

**Issue**

May judges attend receptions sponsored by private associations of attorneys who represent particular classes of litigants?

**Answer:** Yes.

**Facts**

A private association of lawyers who represent defendants in tort cases holds a holiday reception at a private club. The invitation to the reception describes the event as "honoring Arizona judges." No judge is singled out as a guest of honor or speaker at the event. Complimentary hors d'oeuvres and cocktails are served. The reception is by invitation only and is not open to the bar generally. The judge is not a guest of honor or speaker at the event. Other associations of lawyers, including those who represent plaintiffs and those who practice together as a firm, also hold holiday receptions.

**Discussion**

This situation is principally governed by Canon 4D(5)(d), which creates an exception to the general ban on accepting any gifts, bequests, favors or loans. *See* Ariz. Op. 90-05; Cal. Op. 43 (applying Canons 4 and 2 to social events hosted by attorneys). The exception is for "ordinary social hospitality." The described event falls within this exception.

In the most analogous opinion interpreting this canon that we have found, New York's committee opined that a judge may attend an ordinary holiday party hosted by a law firm or legal agency. However, "ordinary" was said not to include a party at an expensive restaurant, a cruise or similar affair that is expensive and lavish. N.Y. Op. 87-12(a). None of the information provided to us suggests that the described event will be so extravagant that it will fall outside the exception of Canon 4D(5)(d).

Similarly, magistrates have been advised that they may attend a reception in their honor sponsored by bail bondsmen. S.C. Op. 7-1989. The event was social, and no appearance of impropriety arose because all bondsmen honored all magistrates.

Because this reception is not open to the bar generally, it may not qualify as a "bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice," another exception to the general ban. Canon 4D(5)(a). However, so long as the event is not inappropriately lavish or expensive, it qualifies as "ordinary social hospitality" and is an exception to the general prohibition of Canon 4D(5)(d).

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We recognize that Canon 2 also may be implicated by attendance on some social events. Canon 2B states: "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge." Canon 2A provides: "A judge . . . shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." In a similar vein, Canon 4A states: A judge shall conduct all of the judge's extra-judicial activities so that they do not: (1) cast reasonable doubt on the judge's capacity to act impartially as a judge . . ." Whether the judge's conduct conveys partiality must be assessed from the perspective of a reasonable, objective observer. D.C. Op. No. 4 (February 22, 1994).

In our view, a reasonable and objective observer would not believe that this association of lawyers has a special advantage in court, or that the judge favored the association, merely because the judge consumed cocktails and appetizers. Moreover, any hint of impropriety, is greatly diluted—if not negated—by the fact that many law firms and special interest lawyer groups sponsor similar receptions.

A judge's attendance at social functions with lawyers offers some benefits. The informal exchanges that such functions allow may help reduce tensions between the bench and bar and alleviate some of the isolation from former colleagues that judges experience upon their elevation to the bench. Our California counterparts interpreted the "ordinary social hospitality" exception in Canon 4 in light of the fact that "judges cannot be isolated from their friends and the community in which they work." Cal. Op. 43. In particular, the fact that the event involved is a "traditional occasion for social hospitality such as a holiday party or the opening of an office" suggests ordinary hospitality is involved. *Id.*

In conclusion, attendance at a holiday reception sponsored by a special interest association of lawyers is permissible so long as the event is not inappropriately extravagant.

### **Applicable Code Sections**

Arizona Code of Judicial Conduct, Canons 2A, 2B, 4A and 4D(5)(d) (1993).

### **Other References**

Arizona Judicial Ethics Advisory Committee, Opinion [90-05](#) (March 27, 1990).

California Committee on Judicial Ethics, Advisory Opinion 43 (Feb. 18, 1994).

District of Columbia Advisory Committee on Judicial Conduct, Opinion No. 4 (Feb. 22, 1994).

New York Advisory Committee on Judicial Ethics, Opinion 87-12(a) (1987).

South Carolina Advisory Committee on Standards of Judicial Conduct, Opinion 7-1989 (1989).